

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CESAR A. BARTUREN, JASON BORGES, RAUL
LARA MOLINA, RAYMUNDO LARA MOLINA,
MIGUEL EDUARDO TAVARA, MARCO ANTONIO
CORONA, JUAN CARLOS MOLINA, JULIO CESAR
MORENO GONZALEZ, PEDRO HERNANDEZ
HERNANDEZ, JULIO ANTONIO, JULIO CARBONEL,
EUSEBIO SANTOS FERROSQULLO, LINO
MARTINEZ, JUAN JOSE PENA FARFAN, JOSE
FERNANDEZ, AND JORGE LEGIS CUYATE,
individually and on behalf of others similarly situated,

Plaintiffs,

-against-

WILD EDIBLES, INC., 535 THIRD AVENUE LLC
d/b/a/ WILD EDIBLES, RICHARD MARTIN, and
JONATHAN MEYER,

Defendants.
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

1. My name is William Lopez.
2. I submit this affidavit in support of Plaintiffs' motion for conditional certification of this case to proceed as a collective action. I filed my opt-in to join this lawsuit on March 24, 2007. Attached as exhibit A is a true and correct copy of my Collective Action Opt-In.
3. I worked for Defendant Wild Edibles, Inc. ("Wild Edibles") from 1999 until in or about May of 2006.
4. I worked in the Wild Edibles Grand Central retail location where I set up merchandise for display, maintained inventory and attended to customers. I worked Monday

AFFIDAVIT OF

WILLIAM LOPEZ

07 Civ. 8127 (LLS)

through Saturday from approximately 5:00 a.m. until approximately 2:00 or 3:00 pm. I earned \$ 560.00 weekly, regardless of the hours I worked.

5. I was never required to punch in or out on a time keeping device, until sometime in 2006, at which time many workers in the Grand Central retail location were also required to punch in. Prior to 2006 no worker was required to punch-in. However, hours I actually worked were never reflected on pay stubs, or in any other record that Wild Edibles provided. Attached to this affidavit as exhibit B are true and correct copies of my pay stubs, indicating that the hours actually worked were not reflected. To the best of my knowledge, hours actually worked were not reflected on any Wild Edibles employee's pay stub or in any other record Wild Edibles maintained.

6. At all times while I was employed at Wild Edibles, to the best of my knowledge, all Wild Edibles workers consistently worked in excess of 40 hours a week, but were never paid time-and-one-half for their overtime hours. Rather, all workers were paid a flat weekly rate, regardless of the hours worked in excess of 40.

7. While I worked at Wild Edibles, I never saw any information regarding the Fair Labor Standards Act posted in any Wild Edibles location.

8. Spanish is my first language and I have limited English proficiency. To the best of my knowledge, Spanish is the first language of most of the employees at Wild Edibles, and they also have very limited English proficiency.

I declare under penalty of perjury that the foregoing is true and correct.

WILLIAM LOPEZ

Sworn to before me this
____ day of _____, 2008

NOTARY PUBLIC

TECHNICAL LANGUAGE CONSULTANTS

Translators - Interpreters
7004 Boulevard East, Suite 32-E
Guttenberg, N.J. 07093-5046
Telephone No.: (212) 534-6165
E-mail: bernhardt2@aol.com

Isolina Bernhardt, Owner

-----X

STATE OF NEW JERSEY

CERTIFICATE OF ACCURACY

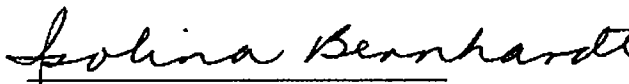
HUDSON COUNTY

-----X

ISOLINA BERNHARDT, ss:

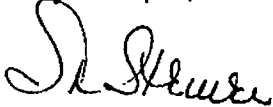
1. I am a federally certified Spanish-English Court Interpreter since 1980, pursuant to written and oral examinations given by the Administrative Office of the United States Courts. In such capacity, I am authorized to translate documents for judicial proceedings to be produced in Court. I have worked in such capacity in my own name and under my company's name, TECHNICAL LANGUAGE CONSULTANTS, since 1980.

2. I certify that I have translated the attached document, Affidavit from William López, from English into Spanish, consisting of three (3) pages, to the best of my knowledge and ability.



Isolina Bernhardt
Federally Certified Court
Interpreter/Translator

Sworn to before me, this
3rd day of April, 2008.



NOTARY PUBLIC

SHERRI LOU STEINER
NOTARY PUBLIC OF NEW JERSEY
My Commission Exp. June 14, 2009
ID No. 2224136

TRADUCCIÓN

DECLARACIÓN JURADA – W. LÓPEZ

TRIBUNAL FEDERAL DE PRIMERA INSTANCIA
DISTRITO SUR DE NUEVA YORK

TRADUCCIÓN

DECLARACIÓN JURADA DE

WILLIAM LÓPEZ

07 Civ. 8127 (LLS)

-----X
CÉSAR A. BARTURÉN, JASON BORGES, RAÚL
LARA MOLINA, RAYMUNDO LARA MOLINA,
MIGUEL EDUARDO TAVARA, MARCO ANTONIO
CORONA, JUAN CARLOS MOLINA, JULIO CÉSAR
MORENO GONZÁLEZ, PEDRO HERNÁNDEZ
HERNÁNDEZ, JULIO ANTONIO, JULIO CARBONEL,
EUSEBIO SANTOS FERROSQULLO, LINO
MARTÍNEZ, JUAN JOSÉ PENA FARFÁN, JOSÉ
FERNÁNDEZ, Y JORGE LEGIS CUYATE, a título
individual y a nombre de otras personas en situación
semejante,

las Partes Actoras,

-contra-

WILD EDIBLES, INC., 535 THIRD AVENUE LLC,
realizando operaciones como WILD EDIBLES,
RICHARD MARTIN, y JONATHAN MEYER,

las Partes Demandadas.

-----X
ESTADO DE NUEVA YORK)
) ss:
CONDADO DE NUEVA YORK)

1. Me llamo William López.
2. Presento la presente declaración jurada en apoyo a la petición de las Partes Demandantes de que se emita una certificación condicional para que se siga esta causa como acción colectiva. Presenté mi formulario para optar por formar parte en la presente acción

judicial el 24 de marzo, 2007. Se adjunta como Anexo A copia fiel y correcta de mi Formulario para Optar por Formar Parte en la Acción Judicial.

3. Trabajé para la Parte Demandada, Wild Edibles, Inc. ("Wild Edibles"), desde 1999, hasta mayo, 2006, o hasta alrededor de esa fecha.

4. Trabajaba en el local de venta al por menor de Wild Edibles en la Grand Central, donde colocaba la mercancía que se exhibía, llevaba el inventario y atendía a clientes. Trabajaba de lunes a sábado desde las 5:00 a.m., aproximadamente, hasta las 2:00 o las 3:00 p.m., aproximadamente. Ganaba \$560.00 semanalmente, independientemente de las horas que trabajara.

5. Nunca se me exigió que marcara la hora de entrada y salida en un reloj registrador hasta un momento dado en el 2006, en cuyo momento también se exigió a muchos trabajadores en el local de venta al por menor de la Grand Central que marcaran la hora de entrada y salida. Antes del 2006 ningún trabajador estaba en la obligación de marcar la hora de entrada y salida. No obstante, las horas que en realidad trabajaba nunca se reflejaron en los talones de pago, ni en ningún otro documento proporcionado por Wild Edibles. Se adjuntan a la presente declaración jurada, como Anexo B, copias fieles y correctas de mis talones de pago, que indican que las horas que en realidad se trabajaban no quedaban reflejadas. Según mi leal saber, las horas que en realidad se trabajaban no se registraban en ningún talón de pago de ningún empleado de Wild Edibles ni en ningún otro registro mantenido por Wild Edibles.


6. Durante todo el tiempo que estuve empleado en Wild Edibles, según mi leal saber, todos los trabajadores de Wild Edibles trabajaban sistemáticamente más de 40 horas a la semana, pero nunca se les pagó tiempo y medio por concepto de horas extraordinarias. Más

bien, a todos los trabajadores se les pagaba una tarifa fija semanalmente, independientemente de las horas más que trabajaran en exceso de las 40 horas.

7. Mientras trabajé en Wild Edibles, nunca vi ninguna información relativa a la *Fair Labor Standards Act* (Ley sobre normas laborales ecuanímes) colocada en ningún local de Wild Edibles.

8. El español es mi primer idioma y tengo un nivel de competencia limitado en el idioma inglés. Según mi leal saber, el español es el primer idioma de la mayoría de los empleados de Wild Edibles, y también tienen un nivel de competencia limitado en el idioma inglés.

Declaro so pena de perjurio que lo que antecede es veraz y correcto.


WILLIAM LÓPEZ

Jurado ante mí el día
29th de abril, 2008.


NOTARIO PÚBLICO

SARA E. DOMBROFF
NOTARY PUBLIC, STATE OF NEW YORK
No. 02006138075
QUALIFIED IN NEW YORK COUNTY
MY COMMISSION EXPIRES OCT. 31, 2009

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CESAR A. BARTUREN, JASON BORGES, RAUL
LARA MOLINA, RAYMUNDO LARA MOLINA,
MIGUEL EDUARDO TABARA, MARCO
ANTONIO CORONA, JUAN CARLOS MOLINA,
JULIO CESAR MORENO GONZALEZ, PEDRO
HERNANDEZ HERNANDEZ, JULIO ANTONIO,
JULIO CARBONEL, EUSEBIO SANTOS
FERROSQULLO, LIMO MARTINEZ, JUAN JOSE
PENA FARFAN, JOSE FERNANDEZ, and JORGE
LEGIS CUYATE CARMONA, on behalf of
themselves and all other employees similarly situated
as class and collective representatives,

Plaintiffs,

- against -

WILD EDIBLES, INC., 535 THIRD AVENUE
LLC, d/b/a WILD EDIBLES, RICHARD MARTIN,
AND JONATHAN MEYER,

Defendants.
-----X

Case No. 07-CV-8127 (LLS)

ECF Case

**FAIR LABOR STANDARDS ACT
COLLECTION ACTION OPT-IN
PURSUANT TO 29 U.S.C. § 216(B)**

**COLLECTIVE ACTION
OPT-IN OF WILLIAM LOPEZ**

01/06/2008 04:51 00000000

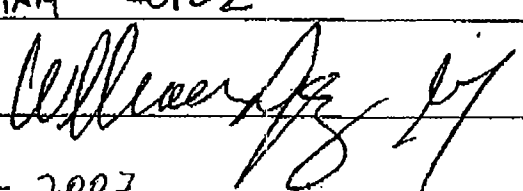
LAW OFFICE

PAGE 04

**Fair Labor Standards Act
Collective Action Opt-In Pursuant to 29 U.S.C. § 216(b)**

- 1) I am a current or former employee of Wild Edibles, Inc. and Richard Martin.
- 2) I hereby opt-in to the litigation under the Fair Labor Standards Act being brought by attorney David Rankin, Esq. against Wild Edibles, Inc. and Richard Martin.
- 3) I hereby consent to be bound to any judgment by the Court or any settlement of this litigation.
- 4) I also designate the collective action Representative(s) as my agent(s) to make decisions on my behalf concerning the litigation, including the method and manner of conducting this litigation, entering into settlement agreements, the entering of an agreement with Plaintiffs' Counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.
- 5) I hereby designate David Rankin, Esq. to represent me for all purposes in this action.

Name WILLIAM LOPEZ

Signature 

Date 12-31-2007

Telephone Number 718-956-19-71

Address 2052 31ST APT A-4

LES POISSONNIERS INC

1014 LOPEZ, WILLIAM

EMPLOYEE'S PAY STATEMENT

Please detach and retain this stub. It is a record of your earnings and tax deductions as reported to Federal and Local Government.

WAGES & OTHER COMPENSATIONS			TAX REPORTING INFORMATION	DEDUCTIONS		YEAR TO DATE TOTALS	
TYPE	HOURS	AMOUNT		TYPE	AMOUNT		
EMPLOYEE	1.00	532.00	Rate: 532.00	Fica	40.69	GROSS	27664.00
O.T.	0.00	0.00		FIT	38.52	FICA	2115.88
Other				S.Dis	0.60	FIT	2003.04
Sick				State	16.09	SDI	31.20
Vac				Local	10.37	STATE	836.68
			W/H Status :			LOCAL	539.24
			S / 03			Misc	0.00
			SSN:			PERIOD ENDING DATE	
			092-26-0667			12/19/04	
TOTAL		532.00		TOTAL DEDUCTIONS	106.27		425.73
							NET PAY

Payroll Computing Service, L.I., N.Y.

LES POISSONNIERS INC

1014 LOPEZ, WILLIAM

EMPLOYEE'S PAY STATEMENT

Please detach and retain this stub. It is a record of your earnings and tax deductions as reported to Federal and Local Government.

WAGES & OTHER COMPENSATIONS			TAX REPORTING INFORMATION	DEDUCTIONS		YEAR TO DATE TOTALS	
TYPE	HOURS	AMOUNT		TYPE	AMOUNT		
EMPLOYEE	1.00	532.00	Rate: 532.00			GROSS	28196.00
				Fica	40.69	FICA	2156.57
				FIT	38.52	FIT	2041.56
O.T.	0.00	0.00		S.Dis	0.60	SDI	31.80
Other				State	16.09	STATE	852.77
Sick				Local	10.37	LOCAL	549.61
Vac			W/H Status :			Misc	0.00
			S / 03			PERIOD ENDING DATE	
			SSN:			12/26/04	
			092-26-0667				
TOTAL		532.00	TOTAL DEDUCTIONS		106.27	425.73	
						NET PAY	

Pavroll Computing Service, L.L. N.Y

Payroll Computing Service, L.I., N.Y.

LES POISSONNIERS INC

1014 LOPEZ, WILLIAM

EMPLOYEE'S PAY STATEMENT

Please detach and retain this stub. It is a record of your earnings and tax deductions as reported to Federal and Local Government.

WAGES & OTHER COMPENSATIONS			TAX REPORTING INFORMATION	DEDUCTIONS		YEAR TO DATE TOTALS	
TYPE	HOURS	AMOUNT		TYPE	AMOUNT		
EMPLOYEE	1.00	532.00	Rate: 532.00			GROSS	532.00
O.T.	0.00	0.00		Fica	40.69	FICA	40.69
Other				FIT	38.52	FIT	38.52
Sick				S.Dis	0.60	SDI	0.60
Vac				State	16.09	STATE	16.09
			W/H Status : S / 03	Local	10.37	LOCAL	10.37
			SSN: 092-26-0667			Misc	0.00
						PERIOD ENDING DATE	
						01/02/05	
TOTAL		532.00		TOTAL DEDUCTIONS	106.27		425.73
						NET PAY	

Payroll Computing Service, L.L., N.Y.

Employee file #
 Employee Name
 WILLIAM LOPEZ

Check No. 2857 Company Name & Address
 LES POISSONNIERS INC
 WILD EDIBLES-GRAND CENTRAL
 318 GRAND CENTRAL TERMINAL
 NEW YORK, NY 10017

Co.# Div. # Dept.# Clock # Soc. Sec. #
 WILD EDIBL GRAND CENT 10
 Period Start Period Ending Check Date FW= S 3
 1/31/05 2/6/05 2/11/05 ST= S 3

EARNINGS**TAXES****DEDUCTIONS**

DESCRIPTION	HOURS	RATE	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD
REGULAR	1.00	\$532.00	\$532.00	\$3,192.00	SSEC	\$32.98	\$197.90			
					MEDI	\$7.71	\$46.28			
					FWT	\$38.45	\$230.84			
					SWTNY	\$16.09	\$96.54			
					LOCNYCRES	\$10.36	\$62.18			
					SDINY	\$0.60	\$3.60			
EARNINGS		\$532.00	TAXES	\$106.19	DEDUCTIONS	\$0.00	NET PAY	\$425.81		

Employee file #

Employee Name

WILLIAM LOPEZ

Check No. Company Name & Address

2868 LES POISSONNIERS INC

Co.#

Div #

Dept #

Clock #

Soc Sec. #

WILD EDIBL

GRAND CENT 10

WILD EDIBLES-GRAND CENTRAL
318 GRAND CENTRAL TERMINAL
NEW YORK, NY 10017

Period Start

Period Ending

Check Date

FW= S 3

2/7/05

2/13/05

2/18/05

ST= S 3

EARNINGS**TAXES****DEDUCTIONS**

DESCRIPTION	HOURS	RATE	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD
REGULAR	1.00	\$532.00	\$532.00	\$3,724.00	SSEC	\$32.99	\$330.89			
					MEDI	\$7.72	\$54.00			
					FWT	\$38.45	\$269.29			
					SWTNY	\$16.09	\$112.63			
					LOCNYCRES	\$10.26	\$72.54			
					SDINY	\$0.00	\$4.20			
EARNINGS		\$532.00	TAXES	\$106.21	DEDUCTIONS	\$0.00	NET PAY	\$425.79		

Employee file #

Employee Name

WILLIAM LOPEZ

Check No.

3066

Company Name & Address

LES POISSONNIERS INC

WILD EDIBLES-GRAND CENTRAL
318 GRAND CENTRAL TERMINAL
NEW YORK, NY 10017

Co. #

WILD EDIBL

Div. #

GRAND CENT

Dept. #

10

Clock #

Soc. Sec. #

Period Start

7/25/05

Period Ending

7/31/05

Check Date

8/5/05

FW= S 3

ST= S 3

EARNINGS**TAXES****DEDUCTIONS**

DESCRIPTION	HOURS	RATE	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD
REGULAR	1.00	\$560.00	\$560.00	\$17,136.00	SSEC	\$34.72	\$1,062.43			
					MEDI	\$8.12	\$248.47			
					FWT	\$41.79	\$1,269.77			
					SWTNY	\$17.74	\$336.74			
					LOCNYCRES	\$11.39	\$344.87			
					SDINY	\$0.60	\$18.60			
EARNINGS		\$560.00	TAXES	\$114.36	DEDUCTIONS	\$0.00	NET PAY	\$445.64		

Employee file #

Employee Name

WILLIAM LOPEZ

Check No. Company Name & Address

3074

LES POISSONNIERS INC

Co. #

WILD EDIBL

Div. #

GRAND CENT

Dept. #

10

Clock #

Soc Sec #

Period Start

8 / 1 / 05

Period Ending

8 / 7 / 05

Check Date

8 / 12 / 05

FW= S 3

ST= S 3

WILD EDIBLES-GRAND CENTRAL
318 GRAND CENTRAL TERMINAL
NEW YORK, NY 10017

EARNINGS

TAXES

DEDUCTIONS

DESCRIPTION	HOURS	RATE	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD
REGULAR	1.00	\$560.00	\$560.00	\$17,696.00	SSEC	\$34.72	\$1,097.15			
					MEDI	\$8.12	\$256.59			
					FWT	\$41.79	\$1,311.56			
					SWTNY	\$17.74	\$554.48			
					LOCNYCRES	\$11.39	\$356.26			
					SDINY	\$0.60	\$19.20			
EARNINGS		\$560.00			TAXES		\$114.36			
					DEDUCTIONS		\$0.00			
					NET PAY				\$445.64	

Employee file # 1014 Employee Name WILLIAM LOPEZ Check No. 2182 Company Name & Address LES POISSONNIERS INC
 Co.# WILD EDIBL Div. # GRAND CENT Dpt.# 10 Clock # 1014 Soc. Sec. # 092-26-10667
 Period Start 12/19/05 Period Ending 12/25/05 Check Date 12/30/05 FW= S 3
 ST= S 3 WILD EDIBLES-GRAND CENTRAL
 318 GRAND CENTRAL TERMINAL
 NEW YORK, NY 10017

EARNINGS**TAXES****DEDUCTIONS**

DESCRIPTION	HOURS	RATE	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD
REGULAR	1.00	\$560.00	\$560.00	\$28,896.00	SSEC	\$34.72	\$1,791.55			
					MEDI	\$8.12	\$418.99			
					FWT	\$41.79	\$2,147.36			
					SWTNY	\$17.74	\$909.28			
					LOCNYCR&S	\$11.39	\$584.06			
					SDINY	\$0.60	\$30.60			
EARNINGS		\$560.00	TAXES	\$114.36	DEDUCTIONS	\$0.00	NET PAY	\$445.64		

Employee file #
1014Employee Name
WILLIAM LOPEZCheck No. Company Name & Address
2193 LES POISSONNIERS INC

Co. # Div. # Dept. # Clock # Soc. Sec. #
 WILD EDIBL GRAND CENT 10 1014 092-26-0567
 Period Start Period Ending Check Date FW= S 3
 12/26/05 1/1/06 1/6/06 ST= S 3

WILD EDIBLES-GRAND CENTRAL
 318 GRAND CENTRAL TERMINAL
 NEW YORK, NY 10017

EARNINGS**TAXES****DEDUCTIONS**

DESCRIPTION	HOURS	RATE	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD
REGULAR	1.00	\$560.00	\$560.00	\$560.00	SSEC	\$34.72	\$34.72			
					MEDI	\$8.12	\$8.12			
					FWT	\$41.79	\$41.79			
					SWTNY	\$17.74	\$17.74			
					LOCNYCRES	\$11.39	\$11.39			
					SDINY	\$0.60	\$0.60			
EARNINGS		\$560.00	TAXES	\$114.36	DEDUCTIONS	\$0.00	NET PAY	\$445.64		

Employee file #
1014Employee Name
WILLIAM LOPEZCheck No. Company Name & Address
2339 LES POISSONNIERS INCCo. # Div. # Dept. # Clock # Soc. Sec. #
WILD EDIBL GRAND CENT 10 1014 092-26-0667Period Start Period Ending Check Date FW= ST=
3/27/06 4/2/06 4/7/06 S 3 S 3WILD EDIBLES-GRAND CENTRAL
318 GRAND CENTRAL TERMINAL
NEW YORK, NY 10017**EARNINGS****TAXES****DEDUCTIONS**

DESCRIPTION	HOURS	RATE	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD	DESCRIPTION	AMOUNT	YTD
REGULAR	1.00	\$560.00	\$560.00	\$7,840.00	SSEC	\$34.72	\$486.08			
					MEDI	\$8.12	\$113.68			
					FWT	\$40.73	\$571.28			
					SWTNY	\$17.74	\$248.36			
					LOCNYCRES	\$11.39	\$159.46			
					SDINY	\$0.60	\$8.40			
EARNINGS		\$560.00			TAXES		\$113.30	DEDUCTIONS		
					\$0.00	NET PAY		\$446.70		

07 Civ. 8127 (LLS)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CESAR A. BARTUREN, JASON BORGES, RAUL LARA MOLINA, RAYMUNDO LARA MOLINA, MIGUEL EDUARDO TAVARA, MARCO ANTONIO CORONA, JUAN CARLOS MOLINA, JULIO CESAR MORENO GONZALEZ, PEDRO HERNANDEZ HERNANDEZ, JULIO ANTONIO, JULIO CARBONEL, EUSEBIO SANTOS FERROSQUILLO, LINO MARTINEZ, JUAN JOSE PENA FARFAN, JOSE FERNANDEZ, AND JORGE LEGIS CUYATE, individually and on behalf of others similarly situated,

Plaintiffs,

-against-

WILD EDIBLES, INC., 535 THIRD AVENUE LLC
d/b/a/ WILD EDIBLES, RICHARD MARTIN, and
JONATHAN MEYER,

Defendants.

AFFIDAVIT OF WILLIAM LOPEZ

LEVY RATNER, P.C.
Attorneys for Plaintiffs
80 Eighth Avenue, 8th Floor
New York, N.Y. 10011-5126
(212) 627-8100

Due and timely service is hereby admitted.

New York, N.Y., 20...

..... Esq.

Attorney for